

Message Text

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PAGE 01 GENEVA 11335 011940Z
ACTION STR-05

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 AF-10 ARA-10
EA-10 NEA-10 OIC-02 FEA-01 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01
/143 W

-----022869 011954Z /44

P 011730Z DEC 77
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 3611
INFO AMEMBASSY BRUSSELS

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USMTN
USEEC

ACTION STR AMBASSADOR WOLFF, GREENWALD, LANDE, MATTHEISEN

E.O.11652:N/A
TAGS: MTN, EC, GATT
SUBJECT: EC OFFERS FURTHER AMENDMENT TO DRAFT ENABLING
CLAUSE

REF: (A) GENEVA 11168, (B) GENEVA 11169

1. LUYTEN (WHO HAD BEEN UNAVAILABLE SINCE WEEKEND FOR
MEDICAL REASONS) CALLED YESTERDAY PM WITH SOME ADDITIONAL
CHANGES IN EC ENABLING CLAUSE AND GRADUATION DRAFTS TO
MEET POINTS MADE BY U.S., AND WITH A FEW DETAILS FROM
LAST FRIDAY'S 113 DISCUSSION. WHILE NOT SPECIFICALLY
APPROVED BY MEMBER STATES, NEW CHANGES ARE WITHIN
LUYTEN'S GENERAL MANDATE FROM 113 AND WILL BE INTRODUCED
IN DISCUSSIONS OF TEXT WITH OTHER DELS.

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2. TO AVOID EVEN FURTHER PROLIFERATION OF FULL DRAFTS
AT THIS TIME, WE ARE TABLING ONLY CHANGES, WHICH ARE
KEYED TO TEXT IN REF A:

A. PARA 1 -- INSERT FOOTNOTE TO WORD "TARIFFS," TO
READ AS FOLLOWS: QUOTE THIS PARAGRAPH SHALL NOT PERMIT

BINDING IN THE GATT OF PREFERENTIAL TARIFF RATES AND
MARGINS. END QUOTE

B. PARA 1 BIS -- REPLACE "MULTILATERALLY AGREED TO
BY THE CONTRACTING PARTIES" WITH "NEGOTIATED UNDER THE
AUSPICES OF THE GENERAL AGREEMENT."

C. PARA 2(B) -- REPLACE "AIM" WITH "BE DESIGNED."

D. PARA 3 -- REPLACE "GIVE DIFFERENTIAL AND MORE
FAVORABLE TREATMENT AS INDICATED IN" WITH "TAKE ACTION
PURSUANT TO;" REPLACE "TREATMENT" WITH "ACTION" (TWICE);
DELETE BRACKETED SENTENCE ON INDIVIDUAL CP RESPONSE TO
CPS' RECOMMENDATIONS.

E. "XXXVI:8 BIS" -- ADD SECOND SENTENCE: "THE
CONTRACTING PARTIES WILL PERIODICALLY REVIEW THE OPERATION
OF THIS PROVISION IN THE LIGHT OF THE DEVELOPING COUNTRIES'
OVERALL TRADE AND DEVELOPMENT SITUATION."

3. RE ITEM E ABOVE, LUYTEN VAGUELY INDICATED THAT MEMBER
STATES HAD NOT WANTED PERIODIC REVIEW OF MEASURES OR OF
GRADUATION POTENTIAL IN ENABLING CLAUSE ITSELF, FOR TWO
REASONS: (A) THEY DID NOT WANT REVIEW PROCESS AS PRE-
CONDITION TO THEIR WITHDRAWING S/D TREATMENT (E.G.,
GSP ITEMS), AND (B) THEY WANTED TO KEEP CLAUSE AS CLOSE
TO FAMILIAR LANGUAGE OF GSP AND PROTOCOL OF 16 "WAIVERS"
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AS POSSIBLE. (LATTER OBJECTIVE CITED AS REASON FOR ALSO
RETAINING CONCEPT OF "UNDUE" IMPAIRMENT AND AVOIDING ANY
REFERENCE TO ARTICLE XXIII -- TO DO OTHERWISE WOULD BE
GOING BEYOND OLD LANGUAGE AND WOULD THUS CONSTITUTE
AFFRONT TO LDCS.) HOWEVER, INCLUSION OF REVIEW IDEA IN
THE XXXVI:8 BIS 'FULLER OBLIGATIONS' TEXT WAS APPROPRIATE
AND IN FACT OFFERED POSSIBILITY OF BROADER DISCIPLINE
THAN JUST FOR S/D MEASURES UNDER ENABLING CLAUSE.
(LUYTEN STRESSED HIS REVIEW LANGUAGE WAS JUST A STARTING
POINT WHICH HE WILLING TO EXPAND TO COVER ANY PREFERENTIAL
TREATMENT BENEFITTING LDCS.)

4. DRAFTED BY HARTZELL. MCDONALD

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, TRADE AGREEMENTS, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA11335
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770446-0232
Format: TEL
From: GENEVA USMTN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197712106/aaaadlvo.tel
Line Count: 107
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 22fbcefb-c188-dd11-92da-001cc4696bcc
Office: ACTION STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 GENEVA 11168, 77 GENEVA 11169
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Mar-2005 12:00:00 am
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 114665
Secure: OPEN
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Subject: EC OFFERS FURTHER AMENDMENT TO DRAFT ENABLING CLAUSE
TAGS: ETRD, US, MTN, GATT, EEC
To: STATE USEEC
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/22fbcefb-c188-dd11-92da-001cc4696bcc
Review Markings:
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22 May 2009
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